

REMARKS

Claims 5-22, 26-28, 30-32 and 37-39 are pending. Claims 5-21, 26 and 27 have been withdrawn from consideration and claims 22, 28, 30-32 and 37-39 are under examination. No amendments have been made by way of the present submission, thus, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 22 and 28 under 35 U.S.C. § 103(a) as being obvious over Gokuraku et al., USP 6,432,525 (hereinafter referred to as Gokuraku '525).

The Examiner has also rejected claims 30-32 under 35 U.S.C. § 103(a) as being obvious over Gokuraku '525 in view of Akzo Nobel, WO 99/27007 (hereinafter referred to as Akzo Nobel '007).

Applicants respectfully traverse each of the above rejections.

In the above two rejections, Applicants note that claims 22, 28 and 30-32 have been rejected. The primary reference in both rejections is Gokuraku '525. Within this rejection, the

independent claim is claim 22. The other rejected claims of 28 and 30-32 are dependent, either directly or indirectly upon claim 22.

Claim 22 relates to a modified polypropylene composition (F1) comprising:

(B3) polypropylene, and

(A1) a modified polypropylene having a melt flow rate (ASTM

D1238, 230°C, load of 2.16 kg) of 0.1 to 10 g/10 min, a melt tension of 3 to 20 g and a gel fraction, as determined by boiling paraxylene extraction, of 0.01 to 25 % by weight,

wherein the polypropylene (B3) is contained in an amount of 1 to 50 % by weight and the modified polypropylene (A1) is contained in an amount of 50 to 99 % by weight, the total of said components (A1) and (B3) being 100 % by weight.

In particular, Applicants wish to draw the Examiner's attention to the specific proportion between the unmodified polypropylene and the modified propylene as recited in claim 22.

Distinctions Between the Present Invention and the Cited Art

The Examiner has cited Gokuraku '525 as disclosing that the starting polypropylene resin can be mixed with a polypropylene or other resins. The Examiner asserts that although Gokuraku '525 does not suggest a preferred amount of blended unmodified

polypropylene, the claimed range of 1-50 wt% is broad and the other resins may be blended in that broad range. Thus, the Examiner asserts that since the invention is drawn to modified polypropylene foams, it would have been obvious to include very small amounts, but also include a 50-50 mixture of unmodified polypropylene.

Applicants respectfully disagree with the Examiner's interpretation of Gokuraku '525. In particular, although Gokuraku '525 lists many resins for blending, Gokuraku '525 fails to provide any examples wherein an unmodified polypropylene is used. Thus, Gokuraku '525 fails to suggest or disclose the currently claimed proportion between the unmodified polypropylene and the modified propylene as discussed in claim 22. Accordingly, no *prima facie* case of obviousness exists. However, even given a hypothetical *prima facie* case of obviousness, unexpected results exist.

Gokuraku '525 discloses that resins other than unmodified polypropylene should be blended in small amounts with propylene so as to not impede the inherent characteristics of the propylene. However, unmodified polypropylene used in large amounts (up to 50 wt% as claimed) will not impede the inherent characteristics of the polypropylene. In order to further illustrate this fact, Applicants have prepared experimental evidence which is submitted

in the form of a Declaration Pursuant to 37 C.F.R. § 1.132, attached hereto.

Experiment I in the Declaration shows a composition having a proportion of polypropylene and modified polypropylene of 40/60 by weight. This composition has a MFR of 2.0 and MT of 7.

Experiment II in the Declaration shows that the resultant foamed sheet had high expansion ratio, good appearance and closed shape of cell and the vacuum forming (formability) of the resultant cup exhibited good shape and good appearance.

Accordingly, the Declaration illustrates that the modified polypropylene composition using a large amount of polypropylene (40 wt%) and sheet and cup made therefrom have excellent properties. These properties were similar to the lower amount of polypropylene, 5-20 wt% as defined in claim 37 (indicated by the Examiner to be allowable) and as shown in Examples 23, 24, 26 and 27 of the present specification.

Accordingly, Applicants submit that the Examiner's position has no reasonable grounds. That is, ignoring the improper *prima facie* case of obviousness discussed above, Applicants have shown superior results for the present claims, thus, the Examiner's rejection is moot. The second reference of Akzo Nobel '007, fails to cure the deficiencies of the Examiner's rejection. Accordingly,

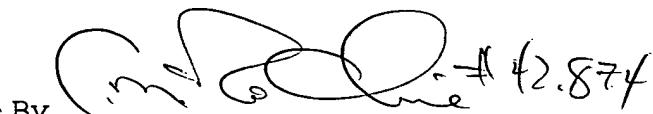
Applicants respectfully submit that the present claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Reg. No. 42,874, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Declaration of Naoya AKIYAMA Under 37 C.F.R. 1.132
(Rev. 09/30/03)